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6
7 UNITED STATES BANKRUPTCY COURT
8 EASTERN DISTRICT OF CALIFORNIA
9 SACRAMENTO DIVISION

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11 In re: } Chapter 7
12 ANDREW BYRON GERMAN } Case No. 11-33338-A-7
13 JULIE SHARP GERMAN } DC No. GW-1
14 } Date: July 11, 2011
15 } Time: 10:00 a.m.
16 } Place: Dept. A, Courtroom 28
17 } 501 I Street, 7 Floor
Debtors } Sacramento, CA
18 _____

19 DEBTORS' MOTION FOR TRUSTEE TO ABANDON
DEBTORS' BUSINESS PROPERTY

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21 Debtors, Andrew and Julie German, hereby move the Court to order the
22 Chapter 7 Trustee to abandon Debtors' business property as property of this
23 bankruptcy estate pursuant to 11 U.S.C. Section 554.

24 Debtors filed this chapter 7 on May 27, 2011. The chapter 7 trustee appointed
25 in this case is Henry M. Spacone. Debtor, Andrew German, is a self employed roofing
26 contractor, dba The Roofing Company. Debtors' have disclosed in Schedule B certain
27 property used in Debtors' business, including a business checking account with a
28 balance of \$376.00, a 2001 Durango Dump Utility Trailer valued at \$1,500.00, a 2001

1 Ford F-150 valued at \$750.00, a 2003 Ford F-350 valued at \$11,000.00, a fictitious
2 business name of unknown value, and machinery, equipment and supplies valued at
3 \$1,242.00. Debtors have claimed the property exempt up pursuant to 11 U.S.C.
4 Section 522 and California Code of Civil Procedure Sections 703.140(b)(2)(5)&(6).
5 Based thereon, and pursuant to 11 U.S.C. 554, Debtors allege that the business
6 property is burdensome to this bankruptcy estate and is of inconsequential value and
7 benefit to the estate. Debtors ask that the property be abandoned so that they may
8 continue operating the business in order to provide for themselves and their
9 dependants.

10 Debtor claim a legal and equitable interest in the subject business property
11 which makes it property of the bankruptcy estate. 11 U.S.C. Section 541. The Trustee
12 may abandon property of the bankruptcy estate with the Court's approval. 11 U.S.C.
13 Section 554(a). A party in interest can request the Court order the Trustee to abandon
14 property that is burdensome to the estate or that is of inconsequential value and
15 benefit to the estate. 11 U.S.C. Section 554(b); Bankruptcy Rule 6007

16 WHEREFORE, Debtors pray for an order compelling the trustee abandon all
17 right, title and/or interest in the business property as property of this bankruptcy estate
18 and that title vest in Debtors free and clear of any interest of the chapter 7 trustee, this
19 bankruptcy estate and/or the Court.

21 || Dated: 6/1/11

/s/Gerald L. White
Attorney for Debtors

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